



FOOTPATH TRADING

Working together
to create vibrant,
accessible and safe
shopping precincts



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Introduction

There are many elements that go into creating successful, active, colourful and vibrant local shopping strips. Footpath trading or having business activity take place on the footpath is one of those essential elements.

Another important element is ensuring easy and safe access to the footpath by shoppers and visitors of all ages and abilities.

By law, footpaths are primarily for the use of pedestrians. However, they can also be used by businesses for things like outdoor dining, displaying goods, and for advertising boards.

To ensure our footpaths are being used appropriately and to create successful shopping strips, Council has developed a Footpath Trading Policy. This policy is in place to balance the needs of pedestrians, businesses and their customers, and to ensure our shopping strips are safe, enjoyable and accessible to everyone.

This booklet is a summary of the policy and provides important information for businesses about the requirements for outdoor trading. The booklet is divided into five sections:

1. Footpath trading areas
2. Footpath trading requirements
3. Footpath trading items
4. Pointer boards for real estate agents
5. Permit application process

Our priority is to work with businesses and take a proactive approach to ensure successful and compliant footpath trading in Darebin. If you have any questions or concerns please contact our Local Laws team by:

- calling 8470 8888
- emailing mailbox@darebin.vic.gov.au
- visiting www.darebin.vic.gov.au



Section 1

Footpath trading areas

Shopping strip footpaths in Darebin are busy, colourful and vibrant spaces. To ensure these spaces can be accessed by everyone, are safe and provide plenty of room to move around, Council has developed and implemented clear Footpath Zones.

Footpath Zones

There are three Footpath Zones, each with minimum space requirements as outlined in the below diagram.

Pedestrian Zone

The Pedestrian Zone is the area of footpath next to a building or property line. All pedestrians, including parents with prams, older people and people with a disability, need clear access to the footpath so it's important that nothing protrudes or overhangs onto this area.

The Pedestrian Zone needs to be at least **1.8m** wide with an overhead clearance of **2.4m**. If the footpath is narrow, this zone may be reduced to **1.5m** – unless you are displaying goods for sale then the **1.8m** width is

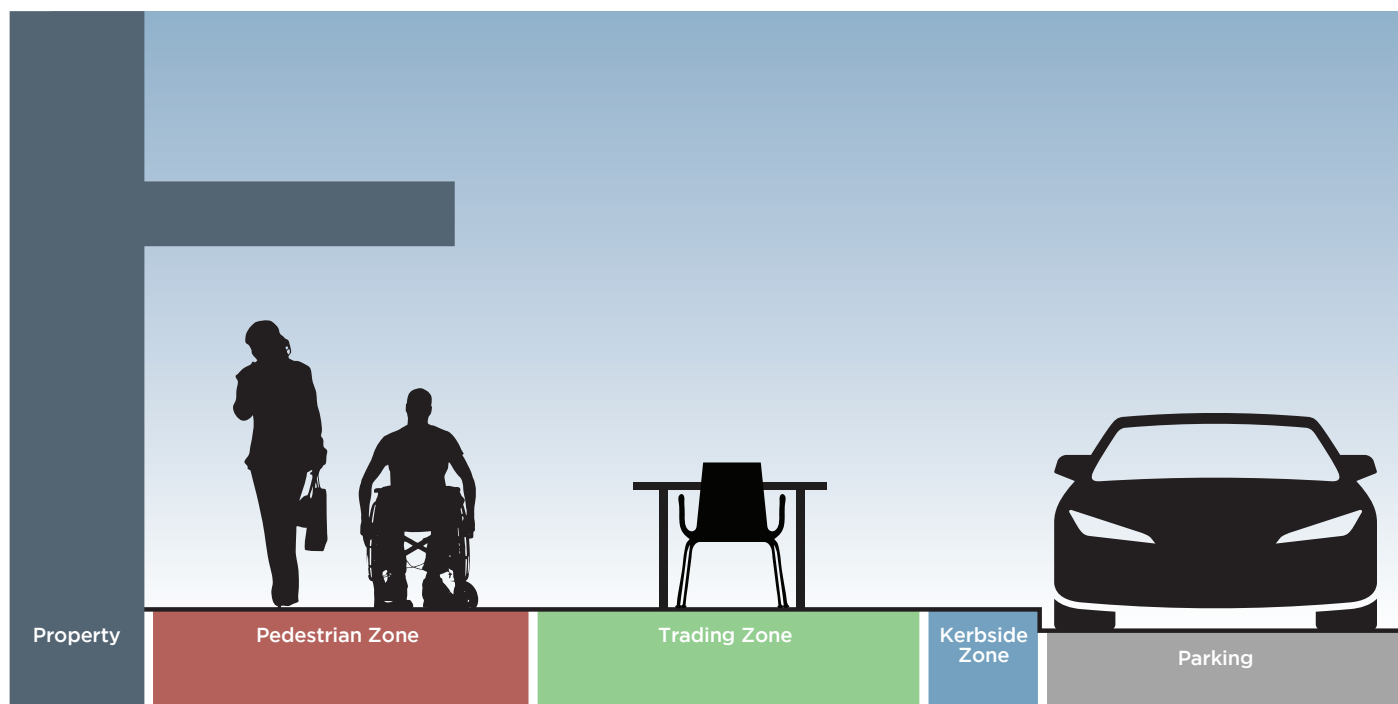
necessary to ensure customers accessing your products are not blocking the walkway.

Trading Zone

The Trading Zone is where commercial activity can take place. The amount of space you can use varies according to the width of the footpath and how close you are to a tram stop, loading zone, street trees, bins, public seating and so on.

Kerbside Zone

The Kerbside Zone creates a buffer between the footpath and road, allowing access to and from parked vehicles. This zone needs to be at least **0.6m** wide for angle parking and **0.45m** wide for parallel parking.



Access Section

In addition to the three footpath zones there are also Access Sections. These sections, which create easy access from the footpath to the road, are designated points between each business where no fixed or temporary items or goods can be placed. The Access Section needs to be at least **0.9m** wide and is demonstrated in the below diagram.

Setback requirements

The Trading Zone must be setback from:

- an adjoining property boundary by **0.45m**
- loading zones by **0.6m**
- parking spaces for people with a disability by **1.6m**
- infrastructure such as street trees, bins, bicycle racks and fire hydrants by **1m**.

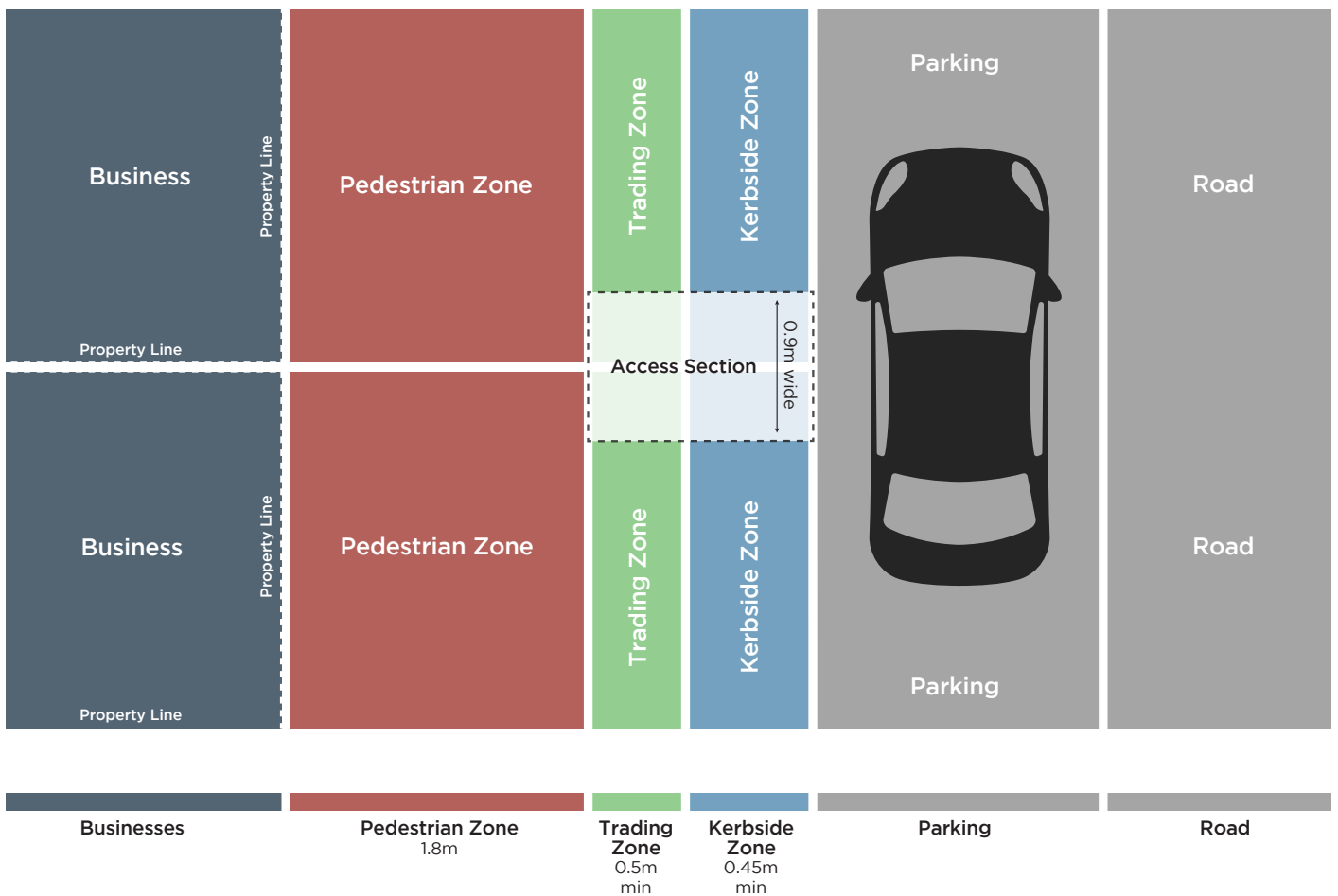
Permanent cafe screens need to be **1m** away from service pits to allow for access to underground infrastructure.

To provide safe access for people to and from public transport and taxis, footpath trading is not permitted in the following areas:

- Tram stops: prohibited next to and within **20m** on the approach to a tram stop
- Bus stops: prohibited next to and within **9m** on the approach to a bus stop
- Taxi ranks: prohibited next to and within **6m** on the approach to the taxi stop

Businesses located near public transport super stops and next to or within three properties of an intersection may require different setbacks and will be assessed on a case-by-case basis.

Correctly working out and applying these footpath trading measurements can sometimes be tricky. Please contact our Local Laws team if you have any questions or need assistance.



Access Sections create easy access from the footpath to the road. They are designated points between each business where no fixed or temporary items or goods can be placed. The Access Section needs to be at least 0.9m wide.

Section 2

Footpath trading requirements

Footpath trading needs to positively contribute to the local area, making our shopping strips enjoyable places to be and encouraging more people to visit and spend time in the area.

Four of the most important things to remember when undertaking footpath trading are:

- commercial activity is only permitted in the Trading Zone of the footpath
- all structures and activities placed within the Trading Zone must align to the boundary adjacent to the Kerbside Zone to maximise space for pedestrian movement
- permanent or fixed installations are not permitted (except for approved cafe screens)
- everything should be removed from the footpath at the end of your normal trading hours.

Businesses also need to ensure their footpath trading structures are well designed and compliment the character of the street. Footpath trading activities must also not create unreasonable noise, litter or look unclean as this could negatively affect the neighbourhood.

This includes:

- keeping the Trading Zone free of litter and food scraps at all times
- putting litter and trade waste in bins inside the premises and not in public street bins
- picking up the litter and not sweeping it into the street, gutter or adjacent footpath
- keeping all screens and awnings clean and in good repair.

To help keep our shopping strips clean and tidy, Council also operates a regular street cleaning service that runs in the early morning to minimise disruption to shoppers and traffic.

Additional requirements for outdoor dining venues

Outdoor dining venues must be registered under the *Food Act (Vic.) 1984* to serve food and/or beverages.

Other general requirements for outdoor dining include:

- all items are only placed in the Trading Zone and businesses must monitor and relocate any items that may be moved by customers into the Pedestrian and Kerbside Zones or Access Section
- chairs do not back onto the Pedestrian Zone
- items like prams or pets do not block the Pedestrian Zone
- staff to keep footpath access clear when moving in and out of the premises
- no food or drink is prepared, cooked or heated on the footpath
- liquor is only sold, consumed and served in the Trading Zone (unless it is part of a licensed area in accordance with a liquor license)
- cash registers, counters, waiting stations, storage facilities or other items of this nature are not placed on the footpath.

If damage is caused to a footpath or nearby Council infrastructure as a result of outdoor dining activities, the business involved will need to pay for those repairs.

Windproof ashtrays must be provided in outdoor dining areas at all times.

Businesses need to regularly remove all cigarette butts and dispose of them in bins kept inside their premises.

Section 3

Footpath trading items

Footpath trading structures must be of a high quality design and construction, add life and vibrancy to our shopping strips and be maintained to an appropriate standard at all times.

Structures should be safe, sturdy and windproof with no sharp, protruding or moving parts and they must not cause damage to the footpath. They are not allowed to obstruct the line of sight, distract or confuse a driver and cannot be illuminated, reflective or animated in any way that can be mistaken for a traffic sign.

Advertising boards

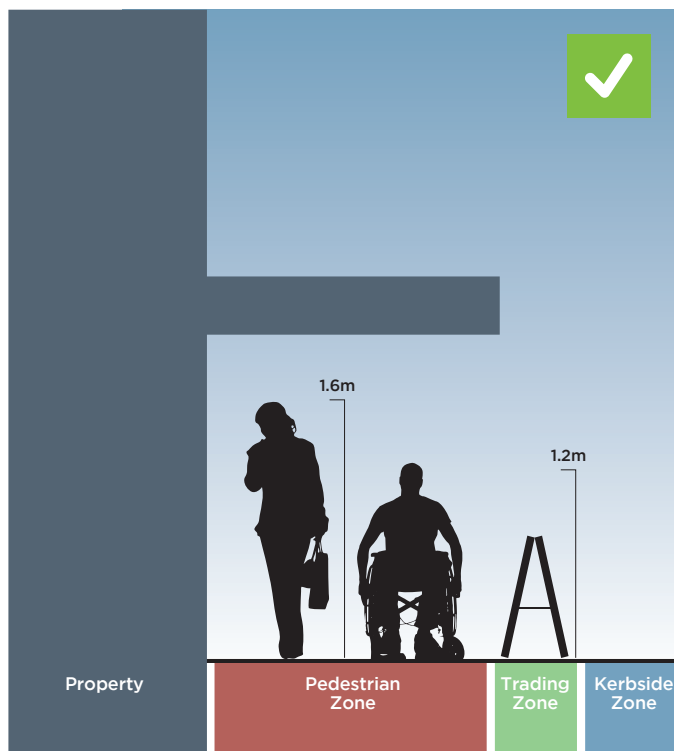
Businesses can apply for one A-Board per ground floor property. Applications for an A-Board for businesses located upstairs, downstairs or to the rear of a property will be considered, but only one A-Board is permitted per premises where multiple tenants share a common access.

Properties located at intersections can apply for one A-Board for each street frontage.

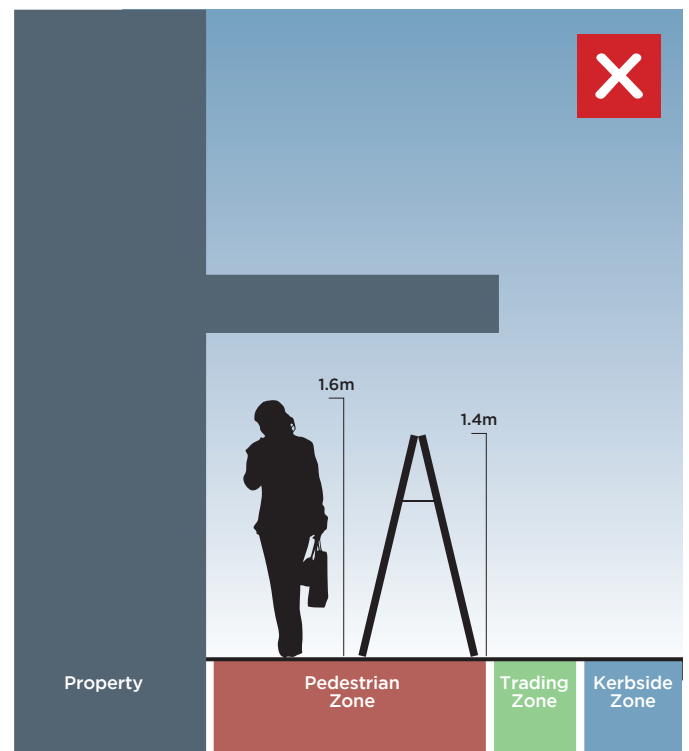
Businesses applying for a permit to place an A-Board on the footpath must adhere to the following conditions:

- can only be placed in the Trading Zone of the footpath and during the trading hours of the business
- must not exceed **0.75m** wide and **1.2m** high
- must be removed during unsuitable weather conditions e.g. windy weather
- cannot have additional advertising material attached, such as balloons or banners.

The below diagrams show examples of the correct and incorrect use of an A-Board.



**✓ A-Board is correct height
Placed in the Trading Zone**



**✗ A-Board is too tall (over 1.2m)
Placed in the Pedestrian Zone**

Display cases and racks

Displaying goods for sale must not block the footpath or make an area unsafe or look untidy.

Display cases and racks must be:

- no more than **1.2m** high, **1.8m** long and **0.75m** wide (inclusive of products)
- designed specifically for display purposes (makeshift devices such as milk crates, laundry baskets, boxes, trolleys and market style shopping carts are not permitted)
- secured by an approved locking device
- free from coverings and not made of a material that will easily deteriorate or discolour.

Goods displayed must be for sale and not for storage purposes and cannot be placed directly on the ground. The display of food items must comply with food legislation.

Businesses can apply for a maximum of two display cases or racks, however Council will consider applications for more if a property has multiple frontages or a frontage that exceeds 6m.

The diagrams on this page show examples of the correct and incorrect use and placement of display cases and racks.

Blinds and awnings

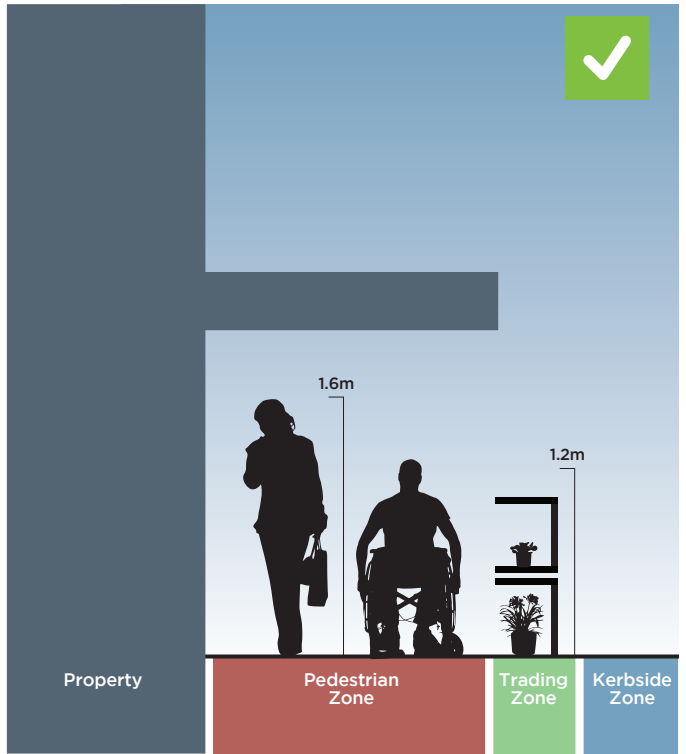
Note: a Building Permit is required for blinds and awnings.

Unless otherwise approved by Council, a blind or awning must not:

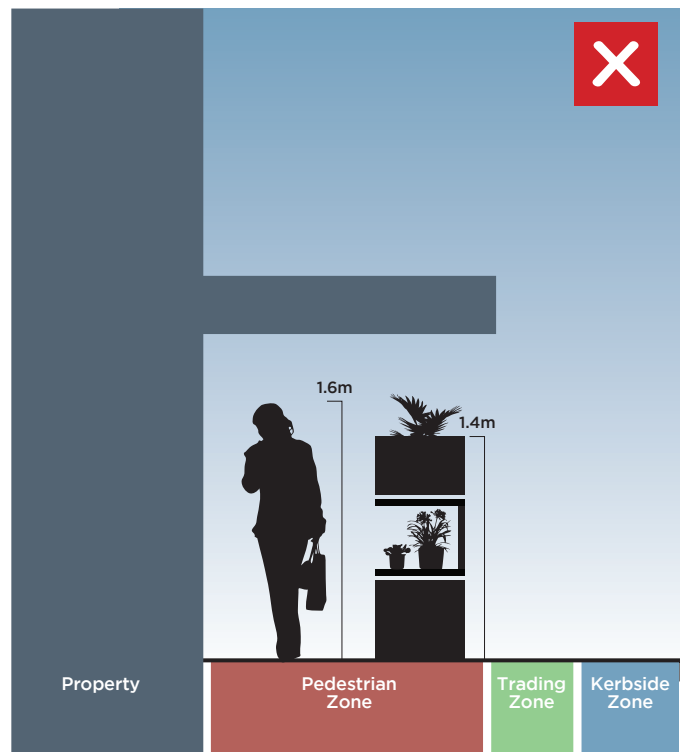
- project beyond the street alignment more than **2.4m** and must not be less than **2.4m** above the level of the footpath
- be used in conjunction with or attached to a screen or display case.

Blinds and awnings must be rolled up or removed outside trading hours and when the weather doesn't warrant their use. When being used they must be fixed firmly in position to avoid extensive flapping with secure ground level restraints.

Blinds and awnings must be clean and presentable with ample light and be far enough away from the kerb for vehicle parking.



 **Placed in the Trading Zone**
Correct height



 **Placed in the Pedestrian Zone**
Incorrect height

Speakers

Speakers and sound systems cannot be installed outside a business. They must be entirely inside a shop and at least **3m** from any public entrance.

Tables and chairs

Darebin is renowned for its cafe and restaurant culture including a relaxed and social outdoor dining scene. For outdoor dining to remain successful in Darebin there are some important rules and regulations that everyone needs to follow.

Businesses need to ensure that outdoor tables and chairs are:

- only placed out the front of their business
- positioned so that they do not prevent the free flow of pedestrian traffic
- constructed with a minimum **30mm** diameter solid leg in areas where the pavement is asphalt or have rubber stoppers on legs in all other locations

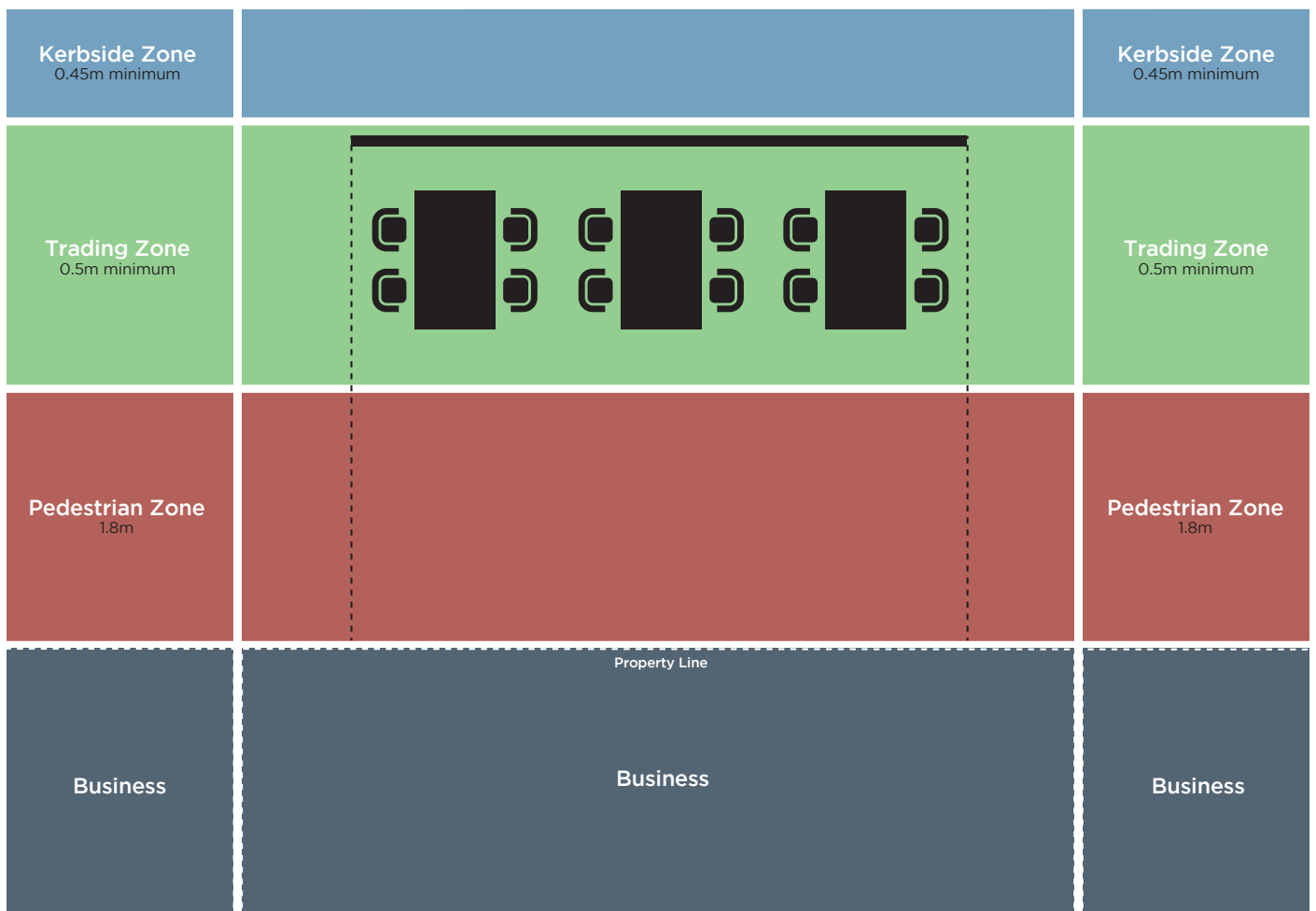
- of a design and construction approved by Council using materials that will not easily deteriorate or discolour
- placed so people sit facing parallel to the direction of pedestrian traffic
- not positioned in the Pedestrian Zone, Kerbside Zone or prohibited areas such as intersections and pedestrian crossings.

Stools are also permitted provided the above design criteria are met.

Businesses applying for outdoor dining need to:

- ensure they provide adequate toilet facilities for both inside and footpath dining customers (please read Toilet section on page 10 for more information)
- submit a site plan showing the location and dimension of proposed items, confirming that they can be clearly confined within the Trading Zone.

The below diagram provides an example of a site plan and how tables and chairs might be set out in the Trading Zone.



Tables and chairs must not be positioned in or back on to the Pedestrian Zone, Kerbside Zone or prohibited areas such as intersections and pedestrian crossings.

Umbrellas

Umbrellas, if not placed securely or correctly can create safety issues. If you want to install outdoor umbrellas you must ensure they:

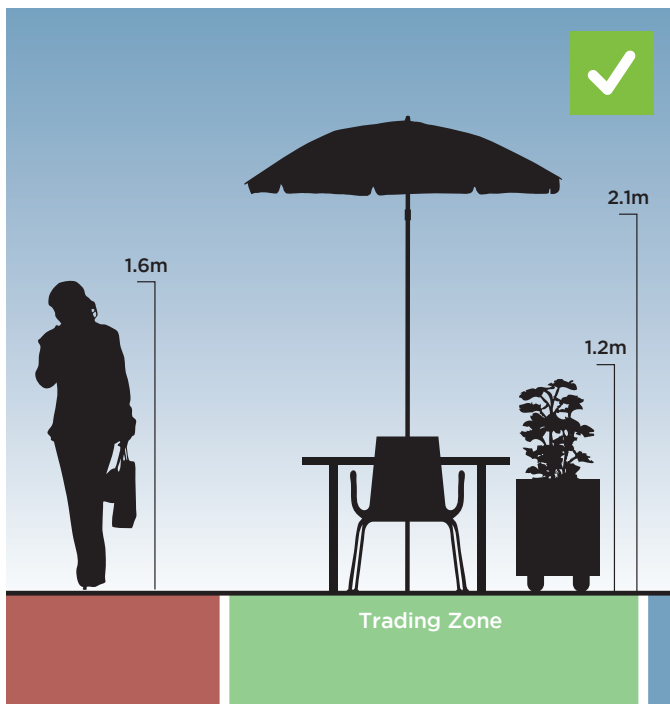
- have an underside clearance from the footpath of **2.1m** and do not extend beyond the Trading Zone
- are not used beneath verandahs
- do not cause unnecessary obstruction for pedestrians or drivers
- include an appropriate locking device that is level with the footpath and does not form a trip hazard when removed
- are removed during unsuitable weather conditions, such as excessive wind, and positioned so that rainwater falls outside the Pedestrian Zone
- do not have advertising or information that exceeds 50% of the total umbrella area and does not promote alcohol or cigarettes.

Planter boxes

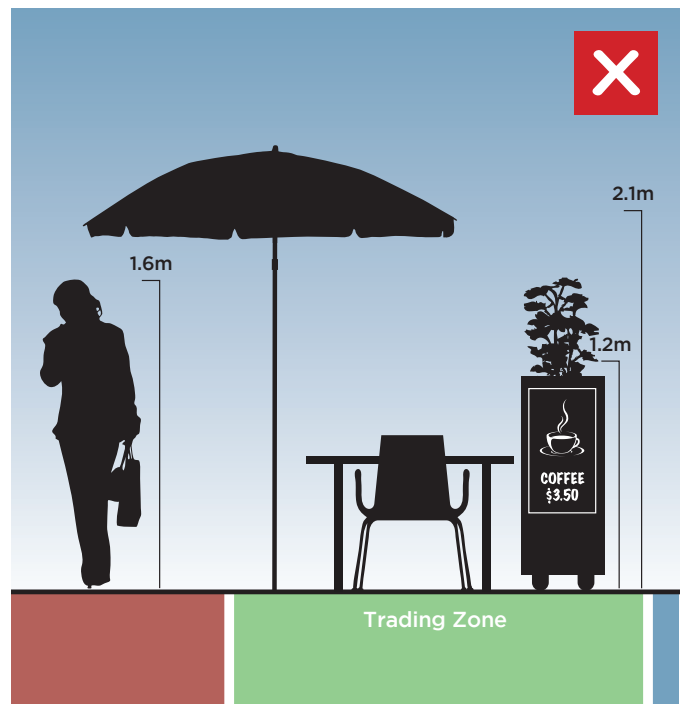
If you want to have planter boxes outside your business on the footpath you need to comply with the following:

- Planter boxes must not be a permanent structure nor exceed **1.2m** in height above the footpath level (inclusive of plants).
- Plants must be kept healthy and well maintained so they contribute positively to the visual enjoyment of the area.
- Advertising is not allowed on the planter boxes and where applicable the business must use approved wheel locking devices to keep them in place.
- Planter boxes must be placed in the Trading Zone and kept free of all litter including cigarette butts.

The diagrams below provide an example of the correct and incorrect placement of planter boxes and outdoor dining umbrellas.



- ✓ Umbrella placed in the Trading Zone
Clearance from the footpath
- ✓ Planter height under 1.2m
No advertising on planter box



- ✗ Umbrella extends beyond Trading Zone
Not enough footpath clearance
- ✗ Planter box height higher than 1.2m
Advertising on planter box

Cafe screens

Cafe screens define areas for outdoor dining and provide some protection from the wind and weather. Applications can be made for fixed screens (eg: glass) or temporary screens (eg: canvas). Fixed screens do not require removal outside trading hours. Temporary screens need to be portable and only placed outside during trading hours.

Fixed screens:

- must be a fixed height of **1.5m** and positioned within the Trading Zone
- need to secure to a locking device inserted no deeper than **250mm** into the footpath
- can be placed in only one section located parallel to the roadway and may include fixed end sections or folding end panels
- cannot have design effects that limit screen transparency in any way
- may have business identification or advertising on the lower part of the screen that takes up no more than 25% of the total area on each screen panel
- need to have a horizontal colour strip (if the screen is not marked in any other way) that is **1.4m** above the footpath to be visible for vision impaired people
- must contain transparent panels of toughened safety glass or equivalent (when glass is used) that is fire resistant and will not easily deteriorate or discolour
- can advertise menu items, costs and daily specials that are handwritten with a removable marker below a height of **1.2m** from the footpath.

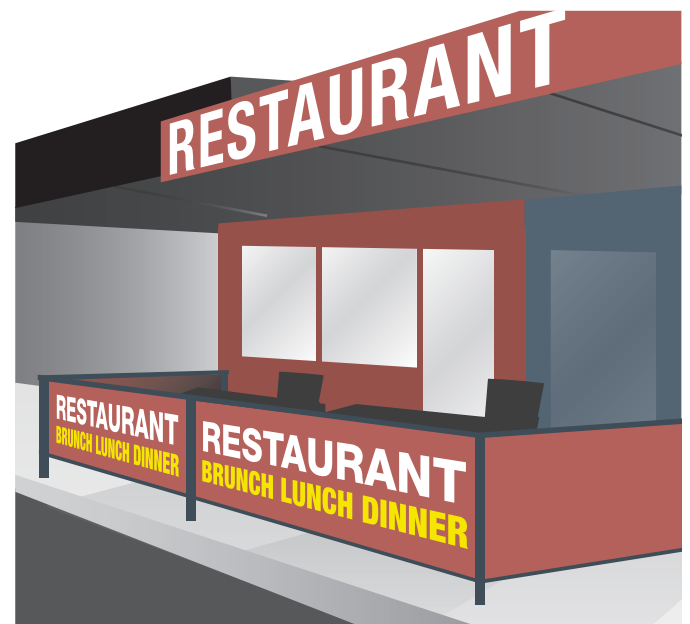
Temporary cafe screens:

- must not exceed a height of **0.9m** and cannot be a fluorescent, neon or reflective colour
- need to be positioned in the Trading Zone and only placed on the footpath during your business trading hours
- may be secured by sandbags (improvised devices are not permitted)
- can have business identification or advertising that takes up no more than 25% of the total area of each screen panel, but cannot promote alcohol or cigarettes
- must be constructed from durable material.

Although our priority is to work with businesses, the local law enables Council to remove screens if necessary. This will be done at the cost of the business including removal of the screen and reimbursement of any damage to the footpath or nearby Council infrastructure.



Placed in the Trading Zone
Correct height
Transparent



Extends beyond Trading Zone
Too close to the kerb
Excessive advertising
No transparency

Outdoor heaters

Outdoor heaters help to create a more comfortable outdoor dining experience for customers in colder weather, but they can cause safety issues if not placed and treated correctly.

The use of portable heaters must comply with Australian standard AS 1596 and the following requirements:

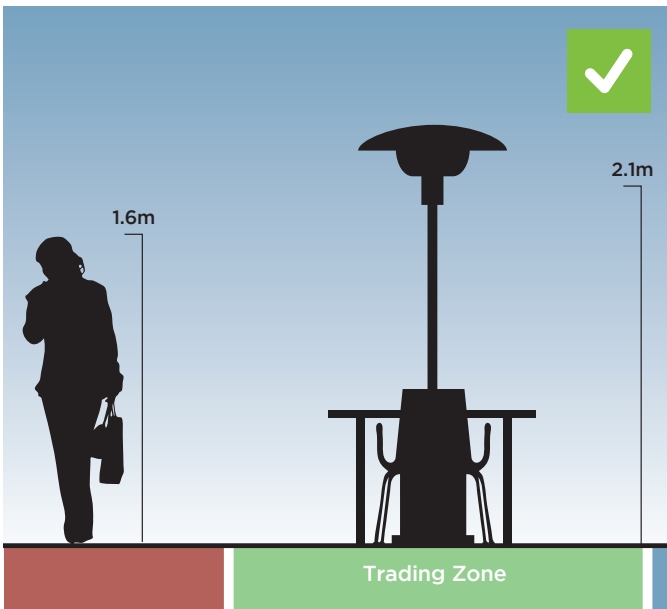
- Gas bottles are to contain no more than 12kg of LPG (a maximum of 50kg of LPG can be stored on your business premises at any one time).
- Heaters must have a low centre of gravity so as to be stable and they need safety guards so that hot elements, controls and gas lines are not openly accessible or exposed.

- Heaters must be secured in place safely, located in the Trading Zone and at least **2.1m** high.
- Portable heaters must be removed outside of trading hours.

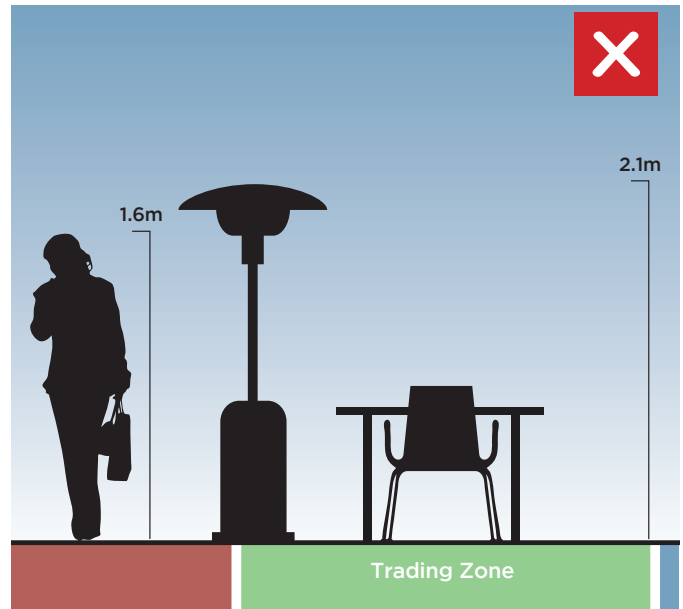
Applications for outdoor heaters attached to a verandah must comply with Energy Safe Victoria requirements, the Gas Safety Act, Gas Safety (installation) Regulations and AS5601.1.

The Victorian Building Authority (plumbing division) regulates the installation of outdoor heaters and requires installers to be licensed and registered.

The diagrams provide an example of the correct and incorrect placement and use of outdoor heaters.



**✓ Placed in the Trading Zone
Correct height**



**✗ Extends beyond Trading Zone
Incorrect height**

Toilets

Providing toilets as part of your business is an important service and one that is required as part of building regulations. The Building Code of Australia provides guidance on what is considered an adequate number of toilets for a maximum number of customers.

If you are thinking of offering outdoor dining and expanding your capacity to serve more customers, before applying for a permit make sure you have adequate toilet facilities in place including accessible toilets. The following table outlines the required facilities per maximum number of patrons:

Seating capacity	Required toilet facilities
0 - 20	Customer toilet not required
21 - 50	Females: one toilet / one wash basin Males: one toilet / one wash basin
51 - 100	Females: two toilets / one wash basin Males: one toilet / one urinal / one wash basin
101 - 200	Females: three toilets / two wash basins Males: one toilet / two urinals / two wash basins
201 - 300	Females: four toilets / two wash basins Males: two toilet / three urinals / two wash basins

Section 3

Pointer boards for real estate agents

Real estate agent signs (or pointer boards) promote auctions and other activities in residential streets. Permits are needed to place pointer boards on public land. The permit allows agents to temporarily position signs near properties that are open for inspection and on auction days.

Each branch of a real estate agency requires its own permit (these permits are non-transferable between stores or branches).

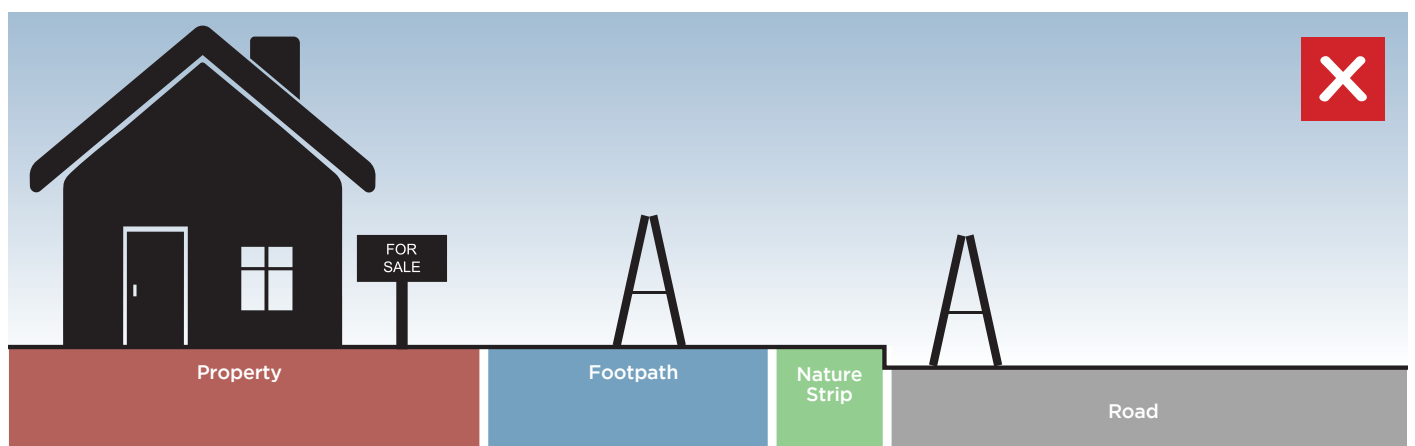
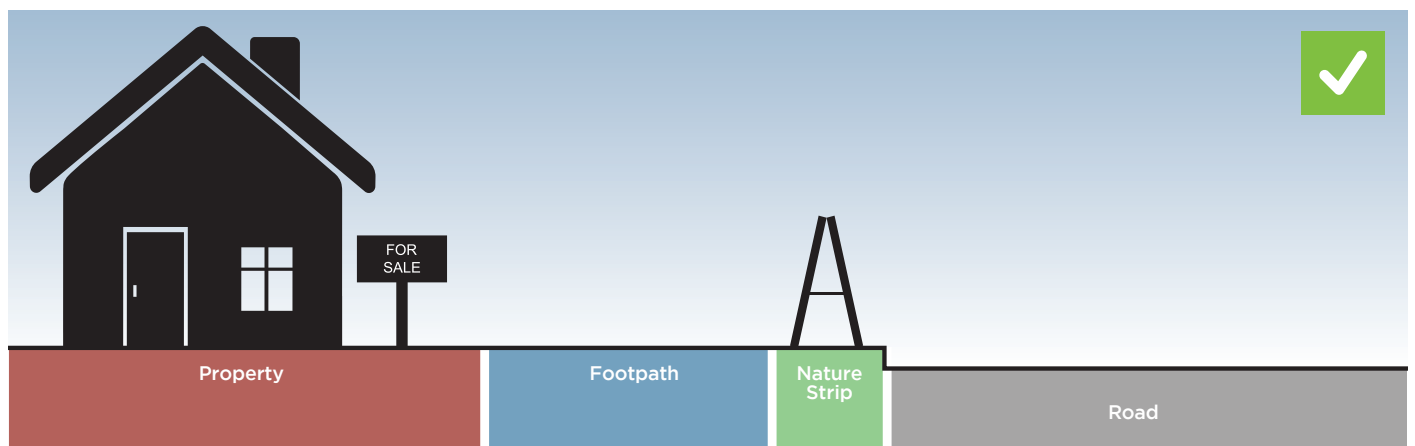
When deciding where to place a pointer board it is important to remember that they cannot be placed:

- on the road
- on any roundabout, traffic island or garden bed

- where it creates any hazard to pedestrian or vehicle safety.

Pointer boards can be placed up to two hours before the activity they are advertising and need to be removed within two hours of the activity finishing. The signs are not to be attached to any Council asset.

All signage must include the name of the real estate agent and contact details.



Real estate agent signs (or pointer boards) must not be positioned in the Pedestrian Zone, on the road or prohibited areas such as roundabouts, traffic islands or garden beds.

Section 4

Permit application process

A permit is required for all footpath trading activity. To apply visit www.darebin.vic.gov.au or contact our Local Laws team.

So that we can assess your application in a timely manner, please make sure you include the following:

- site plan of proposed footpath trading activity
- site plan of existing conditions
- photographs of the site
- details of proposed outdoor furniture
- details of advertising signage
- a copy of the current planning permit (for outdoor dining applications).

Site plans need to be detailed with measurements of all structures and how you propose to fit them into the Trading Zone.

Other details that may be required, where applicable include:

- current registration to serve food and/or beverages under the *Food Act (Vic.) 1984*
- a liquor license that includes the footpath as part of the licensed area when alcohol is to be consumed or served there.

Council officers may contact you to request additional information or modifications to your application.

If your application is approved you will be sent a permit that must be displayed in the front window of your business. Permits are only valid during trading hours.

Permits are issued on an annual basis and expire 30 June each year.

Existing permit holders are sent renewal notices however renewal is not automatic.

Footpath trading should be used to enhance your business offering for your customers. The quality and how the items are presented will go along way to making first impressions count.

Fees

There is an annual fee charged for footpath trading. These fees are reviewed annually as part of Council's budget process and are listed on our website.

Businesses applying for a footpath trading permit for the first time between 1 January and 1 June will only be charged 50% of the fee.

Compliance

Council officers conduct regular inspections to ensure compliance with the Footpath Trading Policy. Council also responds to concerns about footpath obstructions or safety issues raised by residents, visitors and businesses.

Although our first priority is to work with businesses to resolve complaints, the local law and policy enables Council to take further action if required.

Our approach to addressing issues associated with footpath trading is outlined below:

Step 1 – Council will first speak with the business involved about the issue and see if it can be resolved without any further action being taken.

Step 2 – If the problem or breach continues Council will issue a Notice to Comply and a Penalty Infringement Notice (or fine).

It is important to note that a Penalty Infringement Notice may result in the cancellation of a permit and restrict eligibility to reapply for a minimum of 12 months.

Council may also withdraw a permit if:

- conditions are breached
- relevant laws or regulations change
- footpath improvements or other works are required that impact the conditions upon which the permit was issued.



More information

For more information about footpath trading
or to view a copy of the Footpath Trading Policy
visit www.darebin.vic.gov.au

You can also call our Local Laws team on 8470 8888
or email them at mailbox@darebin.vic.gov.au



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